

MEMORANDUM
MONROE COUNTY PLANNING DEPARTMENT
We strive to be friendly, professional and fair

To: Planning Commission

From: Planning and Environmental Resources Staff

Date: August 28, 2006

RE: Boat Barn/Boat Rack Storage, Text Amendment



I. MEETING DATE: September 13, 2006

II. BACKGROUND:

At their January 2006 meeting, the Board of County Commissioners directed staff to prepare a text amendment that would exempt boat barns from Non-residential Rate of Growth Ordinance (NROGO) requirements and floor area calculations.

At their July 26, 2006 the Planning Commission, directed staff to consider and analyze additional changes to the proposed text amendment. Specifically, the Planning Commission directed staff to re-examine the bufferyard requirements for marinas, to consider the floor area NROGO exemptions for boat barns outside of marinas, and to include design guidelines for boat barns.

Staff addressed the Planning Commission's comments by amending the proposed text amendment as follows:

1. The proposed bufferyard requirement for marinas has been changed to be consistent with the proposed setback requirements. Since the minimum setback requirement for marinas is 10 feet, staff is recommending a Class C bufferyard which has a minimum width requirement of 10 feet.
2. Staff clarified that the floor area exemption for boat barns would apply to all boat barns except those used as part of outdoor retail sales.
3. Under **Section 9.5-65 Standards applicable to all conditional uses. When considering applications for a conditional use permit, the director of planning and the planning commission shall consider the extent to which: . . . (c)The design of the proposed development minimizes adverse effects, including visual impacts, or the proposed use on adjacent properties.**

This criterion directs staff and the planning commission to review a development's visual impacts on the surrounding properties. As directed by the planning commission, staff is drafting a set of design guidelines applicable to boat barns.

Design guidelines are typically not included as part of the Land Development Regulations. Design guidelines are provided to serve as minimum standards for

1 the aesthetics and design of a development. Excluding design guidelines from
2 LDRs provides an architect, designer, and the reviewing agency greater flexibility
3 in providing creative designs and solutions to address the aesthetics of a
4 development. Staff is proposing that the design guidelines for boat barns be
5 adopted by endorsement of the board and not included as part of the LDRs.

6
7 **III. SUMMARY OF CHANGES:**

8 **1. DEFINE BOAT BARN**

9 The text amendment proposes a definition for Boat Barn that will allow the
10 structure to store boats with a roof and/or side enclosures.

11 **2. MODIFY THE DEFINITION OF FLOOR AREA**

12 The text amendment modifies the definition for Floor Area so that Boat
13 Barns that meet the conditions set forth in MCC §9.5-124.3 are excluded
14 from floor area calculations. Boat Barns which are NROGO exempt do not
15 have transferable floor area.

16 **3. PROVIDE BUFFERYARD REQUIREMENTS TO LIMIT IMPACT ON**
17 **SURROUNDING PROPERTY OWNERS**

18
19 The text amendment includes a requirement that each non waterside
20 perimeter setback of the parcel proposed for boat barn development must
21 have a Class C bufferyard and a minimum side yard setback of ten (10) feet.
22

23 This means that even in districts which may only require a total of 15 ft. side
24 yard setbacks. A minimum total of 20' will be provided, since the minimum
25 width for each side yard is 10'.
26

27 **IV. FINDINGS OF FACT:**

- 28 1. Staff finds that the proposed changes are consistent with Section 9.5-
29 511(d)(5)b.(i) and (ii) "changed projections" and "changed assumptions".
30
31 2. Staff finds the amendment consistent with the goals, objectives, and policies
32 of the Monroe County Year 2010 Comprehensive Plan, specifically
33 Objective 502.1 and Policy 502.1.3.
34
35 3. Staff finds the amendment consistent with F.A.C. Chapters 9J-5, Florida
36 Statutes, Chapter 163, and The Principles for Guiding Development.
37

38 **V. PROPOSED TEXT CHANGES:**

39 Please see attached ordinance.
40

1 VI. RECOMMENDED ACTION:

2 Based on the Findings of Fact above, the Development Review Committee recommends
3 **APPROVAL** of the proposed text change to Sections 9.5-4,9.5-124.3, 9.5-232(c)(4)e,
4 9.5-233(c)(1)e, 9.5-234(c)(1)e, 9.5-235(c)(5)e, 9.5-236(c)(3)f, 9.5-238(c)(2)f,
5 9.5-239(c)(2)f, 9.5-243(c)(1)f, 9.5-244(c)(2)e, 9.5-245(f)(1)e, 9.5-247(g)(2)e,
6 9.5-247(r)(3)(a)v, 9.5-247(t)(1)e, 9.5-248(c)(4)d, 9.5-249(c)(1)d, 9.5-250(c)(2)d,
7 9.5-251(c)(1)c of the Monroe County Land Development Regulations.

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3 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
4 **COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:**

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6 **PROPOSED TEXT CHANGES** are presented in ~~striketrough~~ to indicate deletions and
7 underline to indicate additions.

8
9 **Section 1. §9.5-4 (Definitions) of the Monroe County Code will be amended to**
10 **include a definition for boat barn as follows:**

11
12 (B-6.1) *Boat Barn:* A structure enclosing and/or covering boat storage racks with a roof
13 and four or more sides and used for the storage of vessels and associated equipment not
14 associated with retail sales of boats. Boat barns within marinas may be considered as the
15 principal building or structure, but the marina remains the principal use.

16
17 **Section 2. § 9.5-124. Non-residential rate of growth ordinance (NROGO) will be**
18 **amended as follows:**

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20 (b) *Definitions:* The words and phrases used in this section shall have the meanings
21 prescribed in this chapter, except as otherwise indicated as follows:

22
23 *Non-residential floor area* means the sum of the gross floor area for a non-residential
24 building or structure as defined in section 9.5-4, any areas used for the provision of food
25 and beverage services and seating whether covered or uncovered, and all covered,
26 unenclosed areas. Walkways, stairways, entryways, parking, loading areas, boat barns,
27 and uncovered, unenclosed boat racks not associated with retail sales of boats, which do
28 not exceed 50% of the net buildable area of the lot/parcel are not considered
29 nonresidential floor area. Non-residential floor area is not space occupied by transient
30 residential and institutional residential principal uses.

31
32 **Section 3. § 9.5-124.2. Type of development affected (by NROGO) will be amended**
33 **as follows:**

34
35 (e) The cumulative portion of the floor area of boat barns and uncovered, unenclosed boat
36 racks not associated with retail sales of boats, which exceed 50% of the net buildable
37 area.

38
39 **Section 4. § 9.5-124.3. Type of development not affected (by NROGO) will be**
40 **amended as follows:**

41
42 (9.1) The portion of boat barns and uncovered, unenclosed boat racks not associated with
43 retail sales which is less than 50% of the net buildable area of the lot/parcel.

44 (10) Transfer off-site of existing non-residential floor area: The demolition and transfer
45 off-site of non-residential floor area from a sender site and the development of the

transferred non-residential floor area on a receiver site in accordance with the following procedures and criteria:

a. Eligibility of sender floor area: Only non-residential floor area within an enclosed structure, as defined in section 9.5-4(F-9), not including uncovered areas designated for food and beverage services and seating shall be eligible for transfer. Non-residential floor area shall meet all of the following criteria:

i. Be lawfully established floor area or received an NROGO allocation or transfer of floor area after September 19, 2001.

Section 5. The Monroe County Code §9.5-232(c)(4)e, §9.5-233(c)(1)e, §9.5-234(c)(1)f, §9.5-235(c)(5)e, §9.5-249(c)(1)d, §9.5-250(c)(2)d, §9.5-251(c)(1)c will be amended to include the bufferyard requirement for marinas as follows:

Each non waterside perimeter setback of the parcel proposed for development must have a Class C bufferyard within a minimum side yard setback of ten (10) feet.

Section 6. The bufferyard requirement listed under §9.5-236(c)(3)f, §9.5-238(c)(2)f, §9.5-239(c)(2)f, §9.5-243(c)(1)f, §9.5-244(c)(2)e, §9.5-245(f)(1)e, §9.5-247(g)(2)e, §9.5-247(r)(3)(a)v, §9.5-247(t)(1)e, §9.5-248(c)(4)d, of the Monroe County Code will be amended as follows:

Each non waterside perimeter setback of the parcel proposed for development must have a Class C bufferyard within a minimum side yard setback of ten (10) feet.

Section 7. Severability.

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 8. Repeal of Conflicting Provisions.

The provisions of the Monroe County code and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 9. Effective Date.

This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administrative Commission approving ordinance pursuant to Chapter 380, Florida Statutes.

1 **Section 10. Transmittal for Codification**

2
3 The provisions of this ordinance shall be included and incorporated into the Code of
4 Ordinances of the County of Monroe, Florida, as an addition or amendment thereto and
5 shall be appropriately numbered to conform to the uniform numbering system of the
6 Code.
7

8 PASSED AND ADOPTED by the Board of County Commissioners of Monroe County,
9 Florida at a regular meeting held on the _____ day of _____, 2006.
10

11
12 Mayor Charles "Sonny" McCoy
13 Mayor Pro Tem Dixie Spehar
14 Commissioner George Neugent
15 Commissioner Mario DiGennaro
16 Commissioner Glenn Patton
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20 BOARD OF COUNTY COMMISSIONERS
21 OF MONROE COUNTY, FLORIDA
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23
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25 BY _____
26 Mayor Charles "Sonny" McCoy
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31 (SEAL)
32 ATTEST: DANNY L. KOLHAGE, CLERK
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36 _____
37 Deputy Clerk
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